

cans showed an average volume of 0.931 gallon. The Lucca brand contained approximately 44 per cent of peanut oil; examination of 3 cans showed an average volume of 0.956 gallon.

Adulteration of the article was alleged in the information for the reason that oil or oils other than olive oil had been substituted in whole or in part for olive oil, which the article purported to be.

Adulteration was alleged with respect to the said Lucca brand oil, considered as a drug, for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, in that it was an oil or oils other than olive oil derived from a source other than the ripe fruit of *Olea europœa*, whereas the said Pharmacopœia provides that olive oil be derived from the ripe fruit of *Olea europœa*, and the standard and the strength, quality, and purity of the said article was not declared on the container thereof.

Misbranding was alleged for the reason that the statements, to wit, "Pure Italian Olive Oil \* \* \* Extra Superior Quality Olive Oil Guaranteed Under Chemical Analysis" and "Net Contents One Gallon," borne on the cans containing the Montone brand, the statements, to wit, "Olio Sopraffino Qualita Superiore Olio Finissimo" and "Olive Oil Tripolitania Brand," borne in prominent type on the cans containing the Tripolitania brand, not corrected by the statement in inconspicuous type, "Cottonseed," preceding the words, "Olive Oil," together with the design and devices of Italian shields, crowns, medals, and olive leaves, and the statement, to wit, "Net Contents Full Gallon," borne on the cans containing the said Tripolitania brand, the statements, to wit, "Finest Quality Table Oil \* \* \* Termini Imerese \* \* \* Net Contents One Gallon," not corrected by the statement, "Cotton Seed Salad Oil Slightly Flavored With Olive Oil," together with the design and device of an olive tree with natives gathering olives, borne on the cans containing the Termini Imerese Type oil, and the statements, to wit, "Lucca Brand \* \* \* Olio Sopraffino D'Oliu," "Excellent For Table And Medicinal Use," and "1 Gallon Net," together with the design and devices of branches bearing olives, borne on the cans containing the Lucca brand, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements, designs, and devices represented that the article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained 1 gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not olive oil, but was an oil or mixture of oils other than olive oil, it was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain 1 gallon net of the article, but did contain a less amount. Misbranding was alleged with respect to the said Montone brand and the Lucca brand for the further reason that it was an oil or mixture of oils other than olive oil, prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil. Misbranding was alleged with respect to the Montone brand, the Tripolitania brand, and the Termini Imerese Type oil for the further reason that it purported to be a foreign product when not so. Misbranding was alleged with respect to all of the said article for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 26, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11684. Adulteration of pepper relish, celery relish, and piccalilli. U. S. v. 52 Bottles of Pepper Relish, 52 Bottles of Celery Relish, and 78 Bottles of Piccalilli. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16309. I. S. Nos. 18519-t, 18521-t, 18522-t. S. No. C-3623.)

On May 10, 1922, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 52 bottles of pepper relish, 52 bottles of celery relish, and 78 bottles of piccalilli, remaining unsold in the original unbroken pack-

ages at Milwaukee, Wis., alleging that the articles had been shipped by the Chicago Food Products Co., Chicago, Ill., on or about July 18, 1921, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Square Seal S S Brand \* \* \* Pepper Relish" (or "Celery Relish" or "Piccalilli") "Chicago Food Products Co. [Square Seal Food Products Co.] Chicago."

Adulteration of the articles was alleged in the libel for the reason that saccharin had been mixed and packed with and substituted wholly or in part for the said articles, for the further reason that they were mixed in a manner whereby damage and inferiority were concealed, and for the further reason that they contained an added poisonous and deleterious ingredient, to wit, saccharin, which might render the said articles injurious to health.

On August 2, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11685. Misbranding of olive oil and adulteration and misbranding of salad oil. U. S. v. Nicholas Lyriotakis and Michael Lyriotakis (Lyriotakis Bros.). Plea of guilty. Fine, \$200. (F & D. No. 16847. I. S. Nos. 6624-t, 6690-t, 6691-t.)**

On February 2, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nicholas Lyriotakis and Michael Lyriotakis, copartners, trading as Lyriotakis Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 28, 1921, from the State of New York into the State of New Jersey, of a quantity of olive oil which was misbranded, and on or about May 20, 1921, from the State of New York into the State of Connecticut, of quantities of salad oil which was adulterated and misbranded. The articles were labeled in part, respectively: (Cans) "Net Contents  $\frac{1}{4}$  Gallon Imported Pure Olive Oil Olio d'Oliva Puro Vittoria Brand \* \* \* Lyriotakis Bros. Importers & Packers New York;" "Il Famoso Olio per Insalata \* \* \* Medaglie Universali Cotton Salad Oil  $\frac{1}{2}$  Gallon Net" (or "1 Gallon Net").

Examination by the Bureau of Chemistry of this department of 10 cans of the olive oil showed an average volume of 0.986 quart. Analysis of a sample of the salad oil by said bureau showed that it consisted chiefly of cottonseed oil with little or no olive oil present; examination of 8 gallon cans and 7 half-gallon cans of the salad oil showed an average volume of 0.971 gallon and 0.99 half-gallon, respectively.

Misbranding of the olive oil was alleged in the information for the reason that the statement, to wit, "Net Contents  $\frac{1}{4}$  Gallon," borne on the cans containing the article, regarding the said article, was false and misleading in that it represented that each of the said cans contained one-quarter gallon net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one-quarter gallon net of the article, whereas, in truth and in fact, each of said cans did not contain one-quarter gallon net of the said article but did contain a less amount.

Adulteration of the salad oil was alleged for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for olive oil, which the said article purported to be.

Misbranding was alleged with respect to the said salad oil for the reason that the statement, to wit, "Olio per Insalata," borne in prominent type on the cans containing the article, and the statements to wit, " $\frac{1}{2}$  Gallon Net" or "1 Gallon Net," as the case might be, together with the designs and devices of olive leaves and Italian medals, borne on the said cans, not corrected by the statement in inconspicuous type, "Cotton Salad Oil," borne on the said cans, were false and misleading in that they represented that the article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained one-half gallon or one gallon net of the article, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained one-half gallon